

- **Responsible Office:** Estates and Services
- **Responsible Officer:** University Secretary & PVC Student Experience
- **Approving Authority:** Senior Leadership Group
- **Date of Approval:** October 2019
- **Effective Date:** 1 November 2019
- **Related Procedures:** Events Policy
- **Related University Policies -**
- **Amended (if applicable):** March 2023
- **Supersedes -**
- **Next Review Date:** March 2025

1 INTRODUCTION

- 1.1 External speakers play an important role at Bath Spa University as part of the regular academic experience, allowing students and staff to be exposed to a range of different ideas, beliefs and opinions. They also play a significant part in our public engagement programme of activity and within our students' own events and activities organised through and with the support of the Students' Union. The purpose of this policy is to set in place a governing framework for visiting speakers to ensure that this proud heritage, where debate, challenge and dissent are not only permitted but expected, can continue for current and future generations.
- 1.2 Although most speakers are uncontroversial, some will express contentious, even inflammatory or offensive, views. In some cases, their presence on campus may be divisive. Whilst the law promotes and protects freedom of speech and debate, the law also places reasonable limits on those freedoms. Crucially the protection of freedom of speech does not extend to allow a speaker to break the law or breach the lawful rights of others (e.g. incitement to commit criminal acts, the expression of hate speech, and radicalisation of attendees and/or possible reputational risk). It should be noted that these provisions do not create a broad right not to be offended; the expression of views which some people may find objectionable or offensive is not prohibited generally by law.
- 1.3 In deciding whether to approve an external speaker, the University aims to abide by all relevant legislation, in particular to ensure its duties to ensure freedom of speech in accordance with the Education Act 1982¹; its duty to prevent people from being drawn into terrorism in accordance with the Counter Terrorism and Security Act 2015² and its obligation to prevent individuals from discrimination under the Equality Act 2010³.

2 BOOKING AN EXTERNAL SPEAKER

- 2.1 Anyone organizing an event must do so in accordance with the University Events Policy and complete the External Speaker Booking Process detailed below **BEFORE** booking the speaker(s). The majority of external speaker requests will be straightforward and can be handled entirely at local (school/departmental) level. In these cases, following the steps outlined in the "Local assessment of proposed external speaker(s)" below will suffice. However, some requests may be complex and may require referral for further consideration. The referral process will only apply in a minority of circumstances – to events or speakers deemed to be higher risk.

3 LOCAL ASSESSMENT OF PROPOSED EXTERNAL SPEAKER(S)

- 3.1 Prior to the confirmation of any external speaker, the event organizer will be responsible

¹ <http://www.legislation.gov.uk/ukpga/2002/32/contents>

² <http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>

³ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

for assessing the speaker against the following set of questions:

Question 1: Has the speaker previously been prevented from speaking at Bath Spa University, another university or similar establishment, or previously been known to express views that may be in breach of the External Speaker Code of Conduct?

Question 2: Does the proposed title or theme of the event present a potential risk that views/opinions expressed by the speaker(s) may be in breach of the External Speaker Code of Conduct?

Question 3: Is the proposed speaker/theme likely to attract attendance from individuals/groups that have previously been known to express views that may be in breach of the External Speaker Code of Conduct?

3.2 If the answer to all three questions is NO:

The event organizer can confirm the external speaker and 'book' them to speak at their event or activity in the normal way (it is required that the external speaker be sent a copy of the External Speaker Code of Conduct).

3.3 If the answer to any of the questions is UNCLEAR:

The event organizer must seek guidance from their line manager, Head of School or Department, whose responsibility it will be to further review the speaker(s) against the questions above.

3.4 Ultimately, if the answer to any of the questions is YES:

It is the responsibility of the event organizer to submit a referral to the University Secretary via [MyServices](#). No speaker(s) can be confirmed (booked) prior to the event organizer receiving authorization from the University Secretary or their nominee.

4 The Referral Process

4.1 To make a speaker referral submission:

Access the External Speaker Policy Referral Form on [MyServices](#) and complete all sections of the form with as much detail as possible.

Students' Union:

The Students' Union will be responsible for enacting the external speaker booking process and ensuring compliance with this External Speaker Policy for all events managed by them.

Events which are hosted by or organised by the Students' Union, including those by clubs, societies or individual students are subject to the policies and procedures of the Students' Union. Event organisers are required to inform the Students' Union of proposed events to enable an initial assessment to take place. In the event that a referral is required, the

Students' Union will be responsible for making the submission with/on behalf of the student coordinator.

- 4.2 The External Speaker Policy and approval process will be continually reviewed and updated in response to legislative changes and other factors. It is the responsibility of those organizing events to ensure that they are acting in accordance with the most recent version of the Policy, which will be published by the University on its website.
- 4.3 The External Speaker Policy and approval process sit alongside, but is currently separate from, the University's Events and Room Booking Policies, which event organizers need to comply with separately and as required by the Timetabling Team or the Events and Conferencing Office.

5 External Speaker Code of Conduct

- 5.1 This code of conduct exists to ensure that all speakers taking part in a Bath Spa University hosted or run event or activity, on campus or elsewhere, act in accordance with the University's External Speaker Policy. It is the responsibility of the event or activity organizer (the individual from within Bath Spa University e.g. member of staff or student, named in the External Speaker submission) to ensure that:

This Code of Conduct is communicated to all external speakers (once approved and confirmed via the External Speaker Booking Process) that all reasonable steps are taken to ensure that the requirements within it are upheld during the running of the event or activity.

6 Freedom of Speech

- 6.1 Freedom of speech is fundamental to a University. The Education Act (No 2) 1986 requires the university to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its employees, students and visiting speakers. The Board of Governors of the University therefore require all employees and students of the University to tolerate and protect the expression of opinions within the law whether or not these opinions are repugnant to them; this obligation is set out in the University's Freedom of Speech: Code of Practice.
- 6.2 However, whilst the law promotes and protects freedom of speech, it also places limits on those freedoms in order to maintain public order and safety and to ensure that there is no breach of the law. The University recognises that in this context a conflict exists between the laws which promote freedom of speech and those which restrict it and consequently acknowledges that it has a legal responsibility to create a balance between minimizing the possibility that extremism or unlawful conduct will arise on campus and ensuring that it meets its legal obligations in relation to securing freedom of speech.

7 Legal Context

7.1 Universities operate in a complex legal environment and so it is vital that all individuals involved in the external speaker process, including the speakers themselves, understand the legal framework and context that governs this area. Examples of some of the relevant areas of law are given below.

- Private Rights – People are entitled to protection from harassment, defamation and unlawful breach of their human rights, as well as from unfair treatment under equality law. Health and safety law, data protection and contract law may also be relevant in this context.
- Criminal Law – Hate crimes, harassment, breach of the peace and terrorism all come under criminal law. There is also legislation around public meetings, public processions/assemblies and public order which may be of relevance.
- Public law – Freedom of Speech and some duties under the Equality Act are captured under public law.

8 Conduct

8.1 The University expects external speakers to act in accordance with the law and not to breach the lawful rights of others. Set out below are some examples of the University's expectations. Please note that this is not intended to be an exhaustive list of unacceptable conduct by external speakers. The University reserves the right to not permit an external speaker to speak at or attend an event, to refuse to permit an event and/or to halt an event at any time if it reasonably considers there may be a breach of the External Speaker Policy or of any legal obligation. During the course of the event at which they participate, speakers shall:

- Follow the University's policy on and instructions relating to health and safety.
- Present ideas and opinions, in particular those that may be contentious or potentially offensive, in the spirit of academic debate, being open to challenge and question.
- Comply with the University's External Speaker Policy.
- Comply with the University's Code of Practice on Freedom of Speech.
- Not act in breach of the criminal law.
- Not incite hatred or violence or any breach of the criminal law.
- Not encourage or promote any acts of terrorism or promote individuals, groups or organizations that support terrorism.
- Not spread hatred and intolerance.
- Not discriminate against or harass any person or group on the grounds of their sex, race, nationality, ethnicity, disability, religious or other similar belief, sexual orientation or age.
- Not defame any person or organisation.
- Not raise or gather funds for any external organisation or cause without express permission of the University.

9 Segregation

- 9.1 Universities have duties under the Equality Act 2010 as education providers, employers and service providers; thus they must not unlawfully discriminate against students, employees and other individuals to whom services are provided.
- 9.2 Segregation by sex is not permitted in any academic meetings or at events, lectures or meetings provided for students, or at events attended by members of the public or employees of the University or the Students' Union.
- 9.3 Segregation is therefore not permissible for any event covered by the External Speaker Policy and this Code of Conduct. The only exception to this is events that are for the purpose of collective religious worship.